

**Perm**

**Perm – Do Both**

## **Solvency**

### **NOAA and the Navy can cooperate – NOPP –**

**Allen 2014** (Michael Allen, NOAA Communications, January 31, 2014. NOAA. “NOAA launches research on next generation of high performance weather, climate models”, <http://research.noaa.gov/InDepth/MeetOurScientists/CurrentScientist/TabId/546/ArtMID/2688/ArticleID/10430/NOAA-launches-research-on-next-generation-of-high-performance-weather-climate-models.aspx>)

NOAA and the U.S. Navy are teaming up with academic and other government scientists to design the next generation of powerful supercomputer models to predict weather, ocean conditions and regional climate change. Four teams of scientists are beginning projects this month to rewrite computer models that will create faster, lower-cost, better integrated models. These new models will take advantage of new supercomputers that use more energy efficient/lower-cost processors such as those originally developed for the video gaming industry. “Our nation’s security and economic well-being relies upon accurate weather, ocean and climate prediction,” said Robert Detrick, NOAA’s assistant administrator for the Office of Oceanic and Atmospheric Research. “These highly collaborative research teams will use NOAA’s supercomputers to move the U.S. into the next generation of models that will enable us to predict weather, ocean and climate over time scales of a few days to a few decades.” The U.S. Navy will provide approximately \$4.5 million in funding over the next three years to support the research and NOAA will provide use of its supercomputers and in-house scientific expertise. The teams of scientists from federal agencies, academic and private institutions will conduct the projects through the National Oceanographic Partnership Program (NOPP) and the National Earth System Prediction Capability (National ESPC) project.

<h1>Offense</h1>
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# **Defense Spending**

## **Turn**

### **Turn – Defense spending is bad for the economy – outsources innovation –**

**McGivern 2011** (Dec 16, Mary Ann McGivern is a co-founder of the Peace Economy Project, formerly known as the St Louis Economic Conversion Project., "Why military spending is bad for the economy", <http://ncronline.org/blogs/ncr-today/why-military-spending-bad-economy>)

We may disagree about how much of a defense we need or what it is exactly that we are defending. But it is morally wrong to say that we must build the weapons because we need the jobs. When I moved to St. Louis in 1972, I was astounded by the pervasive impact of McDonnell Douglas on the region's economy. About 16 percent of employment depended on Pentagon dollars. The endless refrain was, "We have to build the weapons because we need the jobs." But the truth is that military spending is bad for the economy. I've written about this before, but there was a big complaint about my blog earlier this week that Pentagon budget cuts would result in unemployment. The truth is that we'd create more jobs by just putting the money back in everyone's pockets than by making weapons, training soldiers and fighting wars. The Pentagon drains the economy of capital, skilled labor and technology. By capital I mean machine tools and productive capacity more than money. By the 1990s in St. Louis, when the Berlin Wall was torn down and peace was breaking out, MDC and its 500 subcontractors viewed themselves as arms manufactures and had no solid plans for making anything else. Ideas like health care technology, clean energy, prefab housing and mass transit went abroad. The industrial capacity was focused on arming its single government customer. Those other high-tech ideas, both product and process, went to Europe and Japan. Meanwhile, skilled labor ran machine presses or studied the tail vibrations of fighter planes instead of setting up machine tools to spec or designing better televisions. Those jobs went to Taiwan and Korea. Besides this drain of capital, labor and technology, military spending is inflationary. Arms manufacturers can afford to spend top dollar for both employees and equipment, driving up costs for commercial industry. And weapons don't enhance commerce. The best you can hope for from a tank or a missile is that it rusts out. The worst is death and destruction. Automobiles, on the other hand, drive highway construction, gasoline delivery and repair shops. Finally, if instead of putting the money saved from the military budget back in our pockets, Congress spent it hiring teachers, nurses and park rangers and on infrastructure repair, we would have twice as many jobs as Pentagon spending generates. Spending money on the military is a value choice. It is a choice to put our treasure -- our capital, labor and technology -- into things of war instead of improving our standard of living. There's another example of a culture diverting its capital, labor and technology away from human needs, the Middle Ages when society built the cathedrals. That was a value choice too.

# Spending High

**\*\*make sure you are careful with not taking out your heg scenarios with this\*\***

## **US military spending extremely high – no risk of offense**

**BENDER 04/23** (2014. Jeremy Bender received a BA in Middle Eastern Studies and Religion from Rutgers University. He went on to teach English at Inonu University in Turkey via the Fulbright Program, “The 11 Most Powerful Militaries In The World”, <http://www.businessinsider.com/11-most-powerful-militaries-in-the-world-2014-4>)

Asymmetrical wars in Afghanistan, Vietnam, and now in Syria demonstrate all too clearly that relatively small numbers of belligerents can carry out successful military operations against superior forces. But still, firepower is extremely important. A country's projection of power relies in large part upon its military capabilities. Successfully being able to project and wield that power is a key diplomatic asset. The website Global Firepower ranks the most powerful militaries in the world based on multiple factors, including available manpower, total labor force, and access to strategic assets. Nuclear capabilities are not included in the calculation. Below are the 11 most powerful militaries in the world according to the 2014 rankings (click country names to see military assets data). 1. The United States USS Eisenhower The U.S. defense budget is \$612 billion. Despite sequestration and other spending cuts, the United States spends more money on defense than the next ten highest spending countries combined. America's biggest conventional military advantage is its fleet of 19 aircraft carriers, compared to 12 carriers operated by the rest of the world combined. These massive carriers allow the U.S. to set up forward operating bases anywhere and project power throughout the world. The super power also has by far the most aircraft of any country, cutting-edge technology like the Navy's new rail gun, a large and well-trained human force — and that's not even counting the world's largest nuclear arsenal. 2. Russia Russia Tank Parade Two decades after the collapse of the Soviet Union, Russia's military is growing again. The Kremlin's military spending has increased by almost a third since 2008 and is expected to grow 44% more in the next three years. Today, the Russian defense budget stands at \$76.6 billion. Russia currently has 766,000 active frontline personnel with a reserve force of 2,485,000 personnel. These troops are backed up by 15,500 tanks, the largest tank force in the world. Russian soldiers generally receive relatively mediocre training, however, and their equipment, like that tank force, is aging.

# **Freedom of Navigation**



## **SCS Conflict Scenario**

### **Naval exercise of Freedom of Navigation causes SCS war – conflict escalation**

**Glaser 2012** (April 12, 2012, Bonnie S. Glaser is a senior fellow with the Freeman Chair in China Studies and a senior associate with the Pacific Forum, Center for Strategic and International Studies, “Armed Clash in the South China Sea”, <<http://www.cfr.org/world/armed-clash-south-china-sea/p27883>>)

The risk of conflict in the South China Sea is significant. China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have competing territorial and jurisdictional claims, particularly over rights to exploit the region's possibly extensive reserves of oil and gas. Freedom of navigation in the region is also a contentious issue, especially between the United States and China over the right of U.S. military vessels to operate in China's two-hundred-mile exclusive economic zone (EEZ). These tensions are shaping—and being shaped by—rising apprehensions about the growth of China's military power and its regional intentions. China has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities to enforce its sovereignty and jurisdiction claims by force if necessary. At the same time, it is developing capabilities that would put U.S. forces in the region at risk in a conflict, thus potentially denying access to the U.S. Navy in the western Pacific. Given the growing importance of the U.S.-China relationship, and the Asia-Pacific region more generally, to the global economy, the United States has a major interest in preventing any one of the various disputes in the South China Sea from escalating militarily. The Contingencies Of the many conceivable contingencies involving an armed clash in the South China Sea, three especially threaten U.S. interests and could potentially prompt the United States to use force. The most likely and dangerous contingency is a clash stemming from U.S. military operations within China's EEZ that provokes an armed Chinese response. The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent. China insists that reconnaissance activities undertaken without prior notification and without permission of the coastal state violate Chinese domestic law and international law. China routinely intercepts U.S. reconnaissance flights conducted in its EEZ and periodically does so in aggressive ways that increase the risk of an accident similar to the April 2001 collision of a U.S. EP-3 reconnaissance plane and a Chinese F-8 fighter jet near Hainan Island. A comparable maritime incident could be triggered by Chinese vessels harassing a U.S. Navy surveillance ship operating in its EEZ, such as occurred in the 2009 incidents involving the USNS Impeccable and the USNS Victorious. The large growth of Chinese submarines has also increased the danger of an incident, such as when a Chinese submarine collided with a U.S. destroyer's towed sonar array in June 2009. Since neither U.S. reconnaissance aircraft nor ocean surveillance vessels are armed, the United States might respond to dangerous behavior by Chinese planes or ships by dispatching armed escorts. A miscalculation or misunderstanding could then result in a deadly exchange of fire, leading to further military escalation and precipitating a major political crisis. Rising U.S.-China mistrust and intensifying bilateral strategic competition would likely make managing such a crisis more difficult.

### **SCS war goes nuclear**

**Goldstein '13** (Avery Goldstein, David M. Knott Professor of Global Politics and International Relations, Director of the Center for the Study of Contemporary China, Associate Director of the Christopher H. Browne Center for International Politics at the University of Pennsylvania, International Security, Vol. 37, no 4 , “First Things First: The Pressing Danger of Crisis Instability in U.S.-China Relations,”)

In a crisis, the U.S. and Chinese interests at stake will be high, and either side could decide that the risk of escalation introduced by conventional, space, or cyberattacks was worth running. Even though no stake in a crisis would be high enough for either the United States or China to choose an unrestrained nuclear exchange, some stakes might be high enough for either one to choose to initiate military actions that elevate the risk of escalation to such a disastrous outcome.<sup>88</sup> As discussed above, both China and the United States have important interests over which they could find themselves locked in a war threatening crisis in the Western Pacific. The recent pattern of pointed Chinese and U.S. statements about the handling of persistent disputes in the South China Sea, for example, suggests that both sides attach a high and perhaps increasing value to their stakes in this region. Whether that value is high enough to contribute to crisis instability is an empirical question that cannot be answered in advance. The most worrisome source of instability, however, is clear—the temptation to use nonnuclear strikes as a way to gain bargaining leverage, even if doing so generates an unknowable risk of nuclear catastrophe that both China and the United States will have incentives to manipulate.

## Arctic Conflict Scenario

### **Military involvement in maintaining Freedom of Navigation in the Arctic triggers perception and sparks a war in the Arctic –**

**Friedman '14**, "The Arctic: Where the U.S. and Russia could Square Off Next," The Atlantic, 3/28/14, <http://www.theatlantic.com/international/archive/2014/03/the-arctic-where-the-us-and-russia-could-square-off-next/359543/>) Still, these technicalities shouldn't obscure the larger point: Russia isn't only pursuing its territorial ambitions in Ukraine and other former Soviet states. It's particularly active in the Arctic Circle, and, until recently, these efforts engendered international cooperation, not conflict. But the Crimean crisis has complicated matters. Take Hillary Clinton's call last week for Canada and the United States to form a "united front" in response to Russia "aggressively reopening military bases" in the Arctic. Or the difficulties U.S. officials are having in designing sanctions against Russia that won't harm Western oil companies like Exxon Mobil, which are engaged in oil-and-gas exploration with their Russian counterparts in parts of the Russian Arctic. In a dispatch from "beneath the Arctic ocean" this week, The Wall Street Journal reported on a U.S. navy exercise, scheduled before the crisis in Ukraine, that included a simulated attack on a Russian submarine. The U.S. has now canceled a joint naval exercise with Russia in the region and put various other partnerships there on hold. This week, the Council on Foreign Relations published a very helpful guide on the jostling among countries to capitalize on the shipping routes and energy resources that could be unlocked as the Arctic melts. The main players are the countries with Arctic Ocean coastlines: Canada, Denmark (Greenland), Norway, Russia, the United States (Alaska)—and, to a lesser extent, Finland, Iceland, and Sweden. These nations have generally agreed to work together to resolve territorial and environmental issues. But some sovereignty disputes persist, including American opposition to Russia's claims to parts of the Northern Sea Route above Siberia. "Few countries have been as keen to invest in the Arctic as Russia, whose economy and federal budget rely heavily on hydrocarbons," CFR writes. "Of the nearly sixty large oil and natural-gas fields discovered in the Arctic, there are forty-three in Russia, eleven in Canada, six in Alaska, and one in Norway, according to a 2009 U.S. Department of Energy report." "Russia, the only non-NATO littoral Arctic state, has made a military buildup in the Arctic a strategic priority, restoring Soviet-era airfields and ports and marshaling naval assets," the guide adds. "In late 2013, President Vladimir Putin instructed his military leadership to pay particular attention to the Arctic, saying Russia needed 'every lever for the protection of its security and national interests there.' He also ordered the creation of a new strategic military command in the Russian Arctic by the end of 2014." Ultimately, the remarkable international cooperation we've seen in the North Pole may continue even amid the standoff in Ukraine. This week, for instance, government officials from the eight members of the Arctic Council, including Russia and the United States, went ahead with a summit in Canada. "The Russians have been quite cooperative in the Arctic during the past decade," international-law professor Michael Byers told The Canadian Press, "probably because they realize how expensive it would be to take another approach, especially one involving militarization."

### **US-Russian Arctic war causes extinction**

**Helfand 14** (Ira Helfand, M.D, past president of Physicians for Social Responsibility, co-president of the International Physicians for the Prevention of Nuclear War. "Another View: Ukraine crisis puts focus on danger of nuclear war" May 3, 2014, <http://www.desmoinesregister.com/story/opinion/columnists/2014/05/04/another-view-ukraine-crisis-danger-nuclear-war/8665185/>)/HA

The ongoing crisis in Ukraine has made it clear that the danger of nuclear war is still with us and may be greater than at any time since the height of the Cold War. What does that mean for United States nuclear policy? There are today more than 15,000 nuclear warheads in the world. The vast majority, more than 95 percent, are in the arsenals of the United States and Russia. Some 3,000 of these warheads are on "hair-trigger" alert. They are mounted on missiles that can be fired in 15 minutes and destroy their targets around the world less than 30 minutes later. During the Cold War, there was a widespread understanding of what nuclear weapons could do. That is not true today. Those who lived through the Cold War have put this painful information out of mind, and a generation has come of age that never learned about the terrible effects of nuclear war. This must change if we are to make rational decisions about nuclear policy. Over the last few years, new information has emerged that underlines the danger posed by even the limited use of nuclear weapons. Studies published in 2006 by Rutgers University's Alan Robock and his colleagues examined the effects of a "limited" nuclear war involving just 100 small nuclear weapons, the size of the Hiroshima bomb, less than 0.5 percent of the world's nuclear arsenals. The specific scenario they examined involved a war between India and Pakistan. The two nations have fought three wars in the last 70 years, have come close to war on two other occasions, engage in daily skirmishes across their contested border in Kashmir, and have more than 200 nuclear weapons in their arsenals, many much larger than the weapons used in the study. The effects in India and Pakistan are horrific. In the first week more than 20 million people are killed by blast, fire and radiation as the great

cities of South Asia are destroyed. But the global impact is far worse. As the cities burn, the fires loft 5 million tons of soot into the upper atmosphere, blocking out sunlight. Across the globe, temperatures fall an average of 1.3 degrees Celsius, and precipitation declines as less water evaporates into the cooler atmosphere to fall back as rain. This climate disruption has a catastrophic impact on food production around the world. In Iowa, as across the entire U.S. Corn Belt, soy production declines an average of 7 percent for a full decade, and corn production declines an average of 12 percent. In China, rice production declines an average of 17 percent and the equally important wheat crop declines a staggering 31 percent. "Nuclear Famine," a report issued last year by Physicians for Social Responsibility, explored the impact this decline in food production would have on human health. The world is not prepared to withstand a fall in food production of this magnitude. World grain reserves amount to only some 70 days of consumption and would quickly be exhausted. There are already 870 million people in the developing world who are malnourished today. They get just enough food to maintain their body mass and do a little work to gather or grow food. There are also 300 million people who get adequate nutrition today but live in countries that depend on imported food. All of these people, more than 1 billion, many far removed from the actual conflict, would be at risk of starvation in the event of even this very "limited" use of nuclear weapons. Another 1.3 billion people in China might also starve given the enormous shortfalls in Chinese grain production. And no one has yet studied the effects of climate disruption on other food crops in other countries. Will U.S., Canadian and European wheat production fall as dramatically as in China? A famine of this magnitude is unprecedented in human history. Never have we faced the possible death of 15 percent to 30 percent of the human race in the course of a single decade. Such a catastrophe would not mean the extinction of our species, but it would almost certainly bring about the end of modern civilization as we know it. These data make clear that even the smaller nuclear weapons states, countries that might well go to war, and over whose nuclear arsenals the U.S. has no direct control, pose a threat to all mankind. But the danger posed by the U.S. and Russian arsenals is even greater. A single U.S. Trident submarine carries 96 warheads, each 10 to 30 times larger than the bombs used in the South Asia scenario. That means that each Trident can cause the nuclear famine scenario many times over. We have 14 of them, and that is only one-third of our nuclear arsenal, which also includes land-based missiles and long-range bombers. The Russians have the same incomprehensible level of overkill capacity. What would happen if there were a large nuclear war? A 2002 report by Physicians for Social Responsibility showed that if only 300 of the 1,500 warheads in the Russian arsenal got through to targets in the United States, up to 100 million people would die in the first 30 minutes. The entire economic infrastructure on which we depend — the public health system, banking system, communications network, food distribution system — would be destroyed. In the months following this attack, most of the rest of the population would also die, from starvation, exposure to cold, epidemic disease and radiation poisoning. The global climate disruption would be even more catastrophic. Limited war in South Asia would drop global temperatures 1.3 degrees Celsius. A war between the United States and Russia, using only those weapons they will still possess when the New START treaty is fully implemented in 2017, drops temperatures an average of 8 degrees Celsius. In the interior of Eurasia, North America and in Iowa, temperatures drop 20 to 30 degrees Celsius to a level not seen in 18,000 years — since the coldest time of the last Ice Age. Agriculture stops, ecosystems collapse, the vast majority of the human race starves and many species, perhaps **including our own, become extinct.** As events in Ukraine have made clear, there is still a very real possibility that the United States and Russia may find themselves on opposite sides of an armed conflict, and that means that these vast nuclear arsenals might be used. Even if there is not a deliberate use of nuclear weapons, there is the danger of an accidental nuclear war.

## **AT: Not Perceived As Military**

### **Military ships – even if they are for non-military purposes – are perceived as hostile**

**Dutton et al 2010** (Peter Dutton is associate professor of strategy and international law in the China Maritime Studies Institute in the Center for Naval Warfare Studies of the Naval War College, where he was formerly associate professor of joint military operations. He served in the Navy's Judge Advocate General's Corps and as a Naval Flight Officer, retiring in 2006 with the rank of commander. He is also on the faculty of the Marine Affairs Institute at the Roger Williams University School of Law. Maj. Gen. Peng Guangqian, PLA (Ret.), is deputy secretary-general of the China Committee for National Security Policy Studies in Beijing. Raul (Pete) Pedrozo is an associate professor at the Naval War College in the International Law Department of the Center for Naval Warfare Studies. Yu Zhirong is deputy chief captain of the East China Sea Corps. Lt. Col. Andrew S. Williams, USAF, is the staff judge advocate. Wu Jilu is an official at the China Institute for Marine Affairs at the State Oceanographic Administration of the People's Republic of China. Cdr. James Kraska, JAGC, USN, is the Howard S. Levie Chair of Operational Law and professor of international law at the Naval War College. Xue Guifang (Julia) is director and professor at the Institute for the Law of the Sea. Alan M. Wachman is associate professor of international politics at the Fletcher School of Law and Diplomacy, "Military Activities in the EEZ A U.S.-China Dialogue on Security and International Law in the Maritime Commons", [https://www.usnwc.edu/Research---Gaming/China-Maritime-Studies-Institute/Publications/documents/China-Maritime-Study-7\\_Military-Activities-in-the-.pdf](https://www.usnwc.edu/Research---Gaming/China-Maritime-Studies-Institute/Publications/documents/China-Maritime-Study-7_Military-Activities-in-the-.pdf))

Since the beginning of the twenty-first century, the U.S. Navy has constantly sent ships of all kinds to the national sea waters of many coastal countries to perform military surveys.<sup>1</sup> This has provoked strong repercussions and deep concerns among the countries in whose waters the surveys are performed and has drawn close scrutiny from the international community as well. With the passage of time, the U.S. Navy has carried out more and more frequent military surveys in coastal countries' exclusive economic zones that involve wider regions and longer periods. The coastal countries have sent ships or airplanes to warn the U.S. naval ships verbally against approaching or sent diplomatic notes to ask for reasonable explanations, but the efforts have had little effect, and the U.S. Navy has continued to carry out what it calls military survey activities.<sup>2</sup> Therefore, it is common to see confrontations or even friction between the U.S. side and the coastal countries concerned, which later gives rise to hype in the press and to public outcry. This has greatly affected normal bilateral ties between the nations. For instance, regarding the USNS Impeccable incident that occurred in the South China Sea in part of China's exclusive economic zone, China and the United States have quite different understandings concerning the incident to date. Top U.S. military officers, including Admiral Michael Mullen, chairman of the Joint Chiefs of Staff, defended the Impeccable's activities.<sup>3</sup> Mullen said that exclusive economic zones extend to two hundred nautical miles and every state has the right to enter them. He added that Impeccable was carrying out activities in "international waters," which in his view was quite in line with international law.<sup>4</sup> Huang Xueping, the spokesman from China's Ministry of National Defense, refuted Mullen's argument. He said the U.S. surveillance ships conducted illegal surveys in China's exclusive economic zone without obtaining prior permission from the Chinese side, which went against relevant regulations provided in the United Nations Convention on the Law of the Sea (UNCLOS), the Law on the Exclusive Economic Zone and the Continental Shelf of the People's Republic of China, and the Provisions of the People's Republic of China on the Administration of Foreign-Related Maritime Scientific Research.<sup>5</sup> This shows that the Chinese side differs from the U.S. side concerning its perspectives on the correct law governing the incident. More than arousing significant attention from the military circles of both sides, the Impeccable incident caused a stir between top Chinese and U.S. leaders. Foreign ministers from both countries held special talks on the issue. U.S. Secretary of State Hillary Clinton said that U.S.-Chinese military relations are expected to strengthen to ensure that no unpredictable consequences result from such incidents.<sup>6</sup> Regarding the Impeccable incident, President Obama stressed in his talks with Foreign Minister Yang Jiechi on 12 March 2009 that the U.S.-Chinese military dialogues need to be improved either in level or in frequency to prevent such incidents from recurring.<sup>7</sup> It can be seen that top government officials from both sides have very positive attitudes and expect no more such unhappy incidents. But goodwill does not necessarily lead to good results. The USNS Victorious incident, which was similar in

nature to the Impeccable incident, occurred in the Yellow Sea in May 2009.<sup>8</sup> Why did the common understanding reached between the two sides go up in smoke? High-level officials hoped this kind of incident would not happen again, but it happened again within two months. And why did such an incident recur and will perhaps continue to occur? The major reason lies in the fact that neither the U.S. side, nor the Chinese side, nor the international community has conducted an in-depth jurisprudential analysis according to international law of the sea of the U.S. Navy's so-called military surveys in the exclusive economic zones of coastal countries. Additionally, no fair, impartial understanding or opinion has been expressed based on correct, objective, and scientific definitions of the activity. Though both Chinese and U.S. top officials show positive attitudes toward the development of solutions and some level of agreement has been reached, jurisprudential assessments of the nature of such incidents remain at a very basic level of understanding. Discussions on the topic will definitely result in a variety of views. Therefore, it is time to launch a round of extensive and in-depth discussion in the academic world on foreign ships' military surveys in coastal countries' exclusive economic zones. Since the U.S. Naval Ship Bowditch carried out its survey in China's Yellow Sea in 2001, activities that were considered by the Chinese side to be unlawful U.S. naval incursions into China's exclusive economic zone, the author has conducted studies on the so-called military surveys carried out by maritime powers. The author has reviewed press releases, government statements, actual marine military surveys of the countries concerned, and related information. The author has conducted an in-depth analysis of these materials and then developed unique ideas based on international law of the sea, particularly the coastal countries' two "sovereign rights" and three "exclusive jurisdictions" described in UNCLOS.<sup>9</sup> Additionally, the author has two favorable experiences useful for studies and discussions of the said issue. First, the author has frequently participated in cruises undertaken by China's surveillance organizations to observe military surveys conducted by U.S. naval ships in China's sea areas and obtained a large number of firsthand materials. This has helped increase the author's perceptual understanding, thus greatly reducing the role of imagination or guesswork in analysis and making the author's conclusions more objective, correct, and in line with the facts. Second, on 26 April 2001, the writer led a team to go on board R/V Roger Revelle, a U.S.-operated ship that carried out marine scientific research in China's sea areas with prior permission from the Chinese side.<sup>10</sup> This has helped improve the writer's knowledge and understanding toward marine scientific research and of the relationship between marine scientific research and military surveys.

## **Specifically in the context of China, military science and exploration is perceived as military –**

**Dutton et al 2010** (Peter Dutton is associate professor of strategy and international law in the China Maritime Studies Institute in the Center for Naval Warfare Studies of the Naval War College, where he was formerly associate professor of joint military operations. He served in the Navy's Judge Advocate General's Corps and as a Naval Flight Officer, retiring in 2006 with the rank of commander. He is also on the faculty of the Marine Affairs Institute at the Roger Williams University School of Law. Maj. Gen. Peng Guangqian, PLA (Ret.), is deputy secretary-general of the China Committee for National Security Policy Studies in Beijing. Raul (Pete) Pedrozo is an associate professor at the Naval War College in the International Law Department of the Center for Naval Warfare Studies. Yu Zhirong is deputy chief captain of the East China Sea Corps. Lt. Col. Andrew S. Williams, USAF, is the staff judge advocate. Wu Jilu is an official at the China Institute for Marine Affairs at the State Oceanographic Administration of the People's Republic of China. Cdr. James Kraska, JAGC, USN, is the Howard S. Levie Chair of Operational Law and professor of international law at the Naval War College. Xue Guifang (Julia) is director and professor at the Institute for the Law of the Sea. Alan M. Wachman is associate professor of international politics at the Fletcher School of Law and Diplomacy, "Military Activities in the EEZ A U.S.-China Dialogue on Security and International Law in the Maritime Commons", [https://www.usnwc.edu/Research---Gaming/China-Maritime-Studies-Institute/Publications/documents/China-Maritime-Study-7\\_Military-Activities-in-the-.pdf](https://www.usnwc.edu/Research---Gaming/China-Maritime-Studies-Institute/Publications/documents/China-Maritime-Study-7_Military-Activities-in-the-.pdf))

One of China's concerns about military surveys is that they cause pollution to the ocean environment. In at least one such case, the Chinese Ministry of Foreign Affairs raised this concern to the American government. Specifically, on 20 September 2006, the Ministry of Foreign Affairs of the People's Republic of China issued a note to the U.S. embassy in China that on 8 August of the same year, China's sea surveillance aircraft and ships observed four American navy ships undertaking military surveys in waters under Chinese jurisdiction in the East China Sea without authorization from the Chinese government, seriously infringing upon the ocean rights and interests of China as the relevant coastal country, and requested reasonable

explanations from the American ambassador. The ambassador promised to give feedback after getting information. As had been done after the USNS Impeccable incident occurred on 5 March 2009 in an area under Chinese jurisdiction in the South China Sea, China's Foreign Ministry spokesperson Ma Zhaoxu said that the U.S. Navy ship's unauthorized access into waters in the East China Sea under the jurisdiction of China for the purpose of undertaking military surveys violated UNCLOS and China's laws.<sup>16</sup> One of China's concerns about military surveys is that they cause pollution to the ocean environment. In at least one such case, the Chinese Ministry of Foreign Affairs raised this concern to the American government. Specifically, on 20 September 2006, the Ministry of Foreign Affairs of the People's Republic of China issued a note to the U.S. embassy in China that on 8 August of the same year, China's sea surveillance aircraft and ships observed four American navy ships undertaking military surveys in waters under Chinese jurisdiction in the East China Sea without authorization from the Chinese government, seriously infringing upon the ocean rights and interests of China as the relevant coastal country, and requested reasonable explanations from the American ambassador. The ambassador promised to give feedback after getting information. 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According to UNCLOS, "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities."<sup>17</sup> USNS Impeccable is a catamaran with an operating speed of four to six knots, hanging or burning operational and signal lights in the mainmast when operating, with a shielded cable at the aft end of the vessel, and a survey sensor tied at the cable tip.<sup>18</sup> The ship does not issue navigation notices concerning its random operation areas, sometimes navigating on the sea routes and sometimes among fisheries. This is sufficient to conclude that military survey operations by the U.S. Navy's sea surveillance ship constitute pollution of the marine environment. Additionally, the definition of pollution of the marine environment in UNCLOS favors the coastal states in its general description. "The introduction by man, directly or indirectly, of substances or energy into the marine environment" quite matches the operations mode of USNS Impeccable, which introduces a shielded cable into the sea and emits sound waves in order to investigate underwater targets, conduct surveys, undertake instrument experiments, or investigate the ocean's environment.<sup>19</sup> If the United States argues that military surveys do not cause such deleterious effects as harm to living resources and marine life, hazards to human health, impairment of quality for use of seawater, and reduction of amenities, the United States must undertake the onus probandi and provide a persuasive explanation to the satisfaction of the coastal state. Once the U.S. Navy ship's military survey is defined as pollution of the marine environment, unless the surveys can otherwise be exempted from the definition of pollution of the marine environment, the coastal states may make claims against the United States for pollution of the marine environment, in addition to diplomatic negotiations in accordance with relevant regulations in UNCLOS. This is my understanding of the point made by China's Foreign Ministry Spokesman Ma that the military surveys conducted by the U.S. Navy's surveillance ship violated relevant UNCLOS provisions. The media reported that the USNS Impeccable used water hoses to warn off the Chinese fishing boats during the March incident;<sup>20</sup> in May USNS Victorious did the same, using the excuse that the close maneuvering of the Chinese vessels hindered the Victorious's operations.<sup>21</sup> The United States said that the Chinese operations reflect "an intentional and dangerous strategy" and that the "Chinese actions are not professional."<sup>22</sup> However, the jurisprudential analysis above clearly indicates that the U.S. Navy's ships entered into Chinese waters to perform a military survey without approval or authorization, seized the sea route, occupied the fishery and seriously hindered the fishermen's normal fishing operation, and caused pollution to the marine environment, all of which are self-evidently illegal activities. When their fishery was occupied and their legal interests and rights were seriously infringed, it was unavoidable that the fishermen responded as necessary. However, the U.S. Navy's ships caused the incidents and should accept fundamental responsibility for them. The United States should realize that it has breached the provisions of UNCLOS and should take timely corrective actions by following the

provisions of UNCLOS and stopping any illegal activities. The United States should not blame the Chinese fishing boats. Instead, it should apologize to Chinese fishermen and guarantee that no similar mistakes will occur in the future. It should also compensate the loss incurred by the Chinese fishermen, if necessary. In addition to concerns about environmental pollution caused by military surveys, a second concern relates to the definition of “marine science.” At present, UNCLOS and the laws and regulations of coastal countries fail to define clearly what constitutes **marine scientific research** and fail to define clearly what military survey activities are permissible. The U.S. Navy does not attempt to define marine scientific research in a way that favors its country. Instead, it differentiates its activities from marine scientific research by labeling them military survey activities and thereby attempts to evade the jurisdiction of coastal countries.

## **Any relation to the Navy is perceived as military overstepping**

**Dutton et al 2010** (Peter Dutton is associate professor of strategy and international law in the China Maritime Studies Institute in the Center for Naval Warfare Studies of the Naval War College, where he was formerly associate professor of joint military operations. He served in the Navy’s Judge Advocate General’s Corps and as a Naval Flight Officer, retiring in 2006 with the rank of commander. He is also on the faculty of the Marine Affairs Institute at the Roger Williams University School of Law. Maj. Gen. Peng Guangqian, PLA (Ret.), is deputy secretary-general of the China Committee for National Security Policy Studies in Beijing. Raul (Pete) Pedrozo is an associate professor at the Naval War College in the International Law Department of the Center for Naval Warfare Studies. Yu Zhirong is deputy chief captain of the East China Sea Corps. Lt. Col. Andrew S. Williams, USAF, is the staff judge advocate. Wu Jilu is an official at the China Institute for Marine Affairs at the State Oceanographic Administration of the People’s Republic of China. Cdr. James Kraska, JAGC, USN, is the Howard S. Levie Chair of Operational Law and professor of international law at the Naval War College. Xue Guifang (Julia) is director and professor at the Institute for the Law of the Sea. Alan M. Wachman is associate professor of international politics at the Fletcher School of Law and Diplomacy, “Military Activities in the EEZ A U.S.-China Dialogue on Security and International Law in the Maritime Commons”, [https://www.usnwc.edu/Research---Gaming/China-Maritime-Studies-Institute/Publications/documents/China-Maritime-Study-7\\_Military-Activities-in-the-.pdf](https://www.usnwc.edu/Research---Gaming/China-Maritime-Studies-Institute/Publications/documents/China-Maritime-Study-7_Military-Activities-in-the-.pdf))

It is therefore an illegal activity to conduct military survey activities in the exclusive economic zone of a coastal country without its approval. This conclusion may seem arbitrary, but actually it is much to the point, fully reflecting the objective facts. If military survey activities do have any obvious differences from marine scientific research, the differences mainly lie, seemingly, in the different attributes of the vehicles and vessels used. So-called military survey activities generally use military vessels. Of course, it is not essential to identify whether the activities undertaken fall within the category of marine scientific research, the definition of which bears no relation to the attributes of the vessels performing it. At present, not a single law or regulation clearly specifies that marine environmental investigations and survey operations using military vessels are military survey activities or that the military survey activities do not fall under the category of marine scientific research and thus are not subject to the coastal-state laws and regulations. By contrast, the author, in his experience in marine management, has observed typical cases in which U.S. naval vessels conducted marine scientific research, offering powerful support to the idea that military survey activities do indeed fall within the study category of marine scientific research and thus are subject to the provisions of UNCLOS and the laws and regulations of the coastal states. On 26 April 2001, the author was ordered to board and inspect R/V Roger Revelle, a U.S. maritime research vessel, which performed acoustic tomography tests in the shallow waters of the East China Sea in collaboration with the Chinese Academy of Sciences and operated from Shanghai. Although the vessel was marked “Scripps Institution of Oceanography, University of California,” it was owned by the U.S. Navy, and its use had to be approved by the U.S. Navy.<sup>23</sup>



# **Impact Inevitable**

## **Impact inevitable – Navy is Subject to NOAA regulations**

**NOAA 2011** (April 12, 2011, “NOAA issues regulations governing Navy's activities in the Keyport range”, [http://www.noaanews.noaa.gov/stories2011/20110412\\_keyport.html](http://www.noaanews.noaa.gov/stories2011/20110412_keyport.html))

NOAA’s Fisheries Service has issued regulations and a letter of authorization (LOA) to the U.S. Navy that includes measures to protect marine mammals while conducting research, development, test and evaluation activities and range expansion at the Naval Sea System Command Undersea Warfare Center Keyport Range Complex, in waters off the state of Washington. The regulations require the Navy to implement protective measures to minimize effects on marine mammals. The Navy requested authorization for the activities under the Marine Mammal Protection Act because while the high and mid-frequency sound generated by sonar, and other active acoustic sources, are not expected to harm marine mammals, they may affect the behavior of some marine mammals or cause a temporary loss of their hearing sensitivity. Although they also utilize active sonar, the Navy’s activities conducted at the Keyport Range Complex are very different from the training activities addressed in other Navy rules. The active sonar and active acoustic sources are lower in volume than those used in training activities. The majority of the sound sources used in the Keyport Range Complex activities are high-frequency sonar sources, which have not been associated with marine mammal strandings and do not propagate sound energy as far as mid-frequency sonar. NOAA’s Fisheries Service does not expect the Navy’s activities to result in injury of marine mammals. NOAA is requiring the Navy to use mitigation measures to minimize behavioral effects on and temporary hearing loss by marine mammals. NOAA’s Fisheries Service has made a determination that these activities would have only a negligible effect on the species or stocks involved. Under the authorization, the Navy is required to follow mitigation measures to minimize possible effects on marine mammals, including: establishing marine mammal safety zones around each vessel using sonar and active acoustic sources and using Navy marine observers to spot marine mammals so that operations can be shut down if marine mammals are seen within designated safety zones.

## **More evidence – Navy must follow NOAA protocol**

**NOAA 2010** (January 2010, “NOAA Gives Navy Marine Mammal Protection Measures for Exercises off the Gulf Coast”, [http://www.noaanews.noaa.gov/stories2010/20100121\\_navysonar.html](http://www.noaanews.noaa.gov/stories2010/20100121_navysonar.html))

NOAA’s Fisheries Service has issued regulations and a letter of authorization to the U.S. Navy that includes measures to protect marine mammals while conducting naval exercises off the Gulf of Mexico coast. The regulations require the Navy to implement measures designed to protect and minimize effects to marine mammals. The Navy requested authorization for the activities under the Marine Mammal Protection Act because the high- and mid-frequency sound generated by sonar, and the sound and pressure generated by detonating explosives, may affect the behavior of some marine mammals or cause a temporary hearing loss. NOAA’s Fisheries Service does not expect the test and evaluation activities to result in serious injury to marine mammals. However, NOAA is requiring the Navy to use mitigation measures because exposure to nearby underwater detonations can injure marine mammals, and some injury could occur despite the Navy’s best efforts. The proposed authorization allows for a small number of incidental injuries to marine mammals. NOAA’s Fisheries Service has determined that these effects would have a negligible effect on the species or stocks involved. Under the authorization, the Navy is required to follow mitigation measures to minimize effects on marine mammals, including: establishing marine mammal safety zones around each vessel using sonar and during underwater detonations; using Navy observers to shut down sonar

operations if marine mammals are seen within designated safety zones; using exclusion zones to ensure that explosives are not detonated when animals are detected within a certain distance. These measures should minimize the potential for injury or death, and significantly reduce the number of marine mammals exposed to levels of sound likely to cause temporary loss of hearing. Additionally, the regulations and authorization include a requirement that the Navy and NOAA's Fisheries Service meet yearly to discuss new science, Navy research and development, and Navy monitoring results, to determine if modifications to mitigation or monitoring measures are appropriate.

## Alt Cause

### **Alt cause – state authority**

**Wolfrum, 2008** - president of the international tribunal for the law of the sea (Rüdiger, “Freedom of Navigation: New Challenges,” 2008,

[https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf)) DS

The ambiguity prevailing at the time concerning coastal States’ legislative competences as regards innocent passage was meant to be clarified by article 21 of the Convention. This provision tries to establish a delicate balance between the interests of international navigation and the right of coastal States to regulate the passage of foreign ships in the territorial sea. Only a handful of actions are qualified as not being protected under the notion of innocent passage in article 19, paragraph 2, of the Convention, e.g., any act of wilful and serious pollution contrary to the Convention (article 19, paragraph 2(h)). The coastal State may regulate innocent passage in respect of a wide range of matters under article 21, paragraph 1, of the Convention, in conformity with the Convention and other rules of international law.. Paragraphs 1(a) and 1(b) of article 21 in particular refer to the safety of navigation, the regulation of maritime traffic, and the protection of navigational aids, while paragraph 1(f) relates to the preservation of the marine environment and the prevention, reduction and control of pollution thereof. Paragraph 1(g) refers to article 245 of the Convention, which accords to coastal States an exclusive right to regulate, authorize and conduct marine scientific research in their territorial sea, and paragraph 1(h) refers to custom, fiscal, immigration and sanitary matters. In short, article 19 of the Convention excludes certain actions from the protection accorded by the notion of innocent passage, whereas article 21 of the Convention opens the possibility for coastal States to limit further the freedom of navigation.

### **Alt cause – international agreements**

**Wolfrum, 2008** - president of the international tribunal for the law of the sea (Rüdiger, “Freedom of Navigation: New Challenges,” 2008,

[https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf)) DS

International agreements, in many cases established under the auspices of the IMO, mandate coastal States, including States bordering international straits, to adopt further measures for the management and control of international navigation. Such measures may be taken unilaterally or in conjunction with the IMO. This system is still in the stage of development and some uncertainty exists in this respect. Among many international conventions having a bearing on coastal State jurisdiction over foreign shipping in the territorial sea, four contain provisions that allow for the adoption of rules and standards applicable to foreign merchant ships. These are the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG)<sup>4</sup> which provides for the possibility of traffic separation schemes. The other international instruments are: the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78),<sup>5</sup> the International Convention for the Safety of Life at Sea, 1974 (SOLAS),<sup>6</sup> and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal 1989.<sup>7</sup>

### **Alt cause – IMO power**

**Wolfrum, 2008** - president of the international tribunal for the law of the sea (Rüdiger, “Freedom of Navigation: New Challenges,” 2008,

[https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf)) DS

Apart from measures provided for in international conventions, certain restrictions upon the freedom of navigation may be based upon measures taken by the IMO. Through Annex 2 to IMO Resolution A.927(22), the IMO may designate Particularly Sensitive Sea Areas (PSSAs). These are areas which need special protection through the IMO owing to their recognized ecological, socio-economic or scientific significance and because they may be vulnerable to damage as a result of international shipping activities. The legal basis of such power of the IMO may be sought in articles 192 and 194 of the Convention as well as in article 211, paragraph 1, thereof. It is to be noted that the designation of a Particularly Sensitive Sea Area as such has no binding effect. However, the PSSA Guidelines<sup>9</sup> require the adoption by the IMO of “associated protective measures”. The type of measures that may be

adopted is left to the IMO. To date the IMO has prescribed ships' routing measures and ships' reporting systems under SOLAS, under MARPOL and a range of other measures adopted through its own resolutions. Insofar as such measures are based upon existing international agreements, the resulting infringements upon freedom of navigation may be considered justified.<sup>10</sup> But the view is also held that whatever is decided by the IMO is to be considered as conforming to the Convention.<sup>11</sup>

#### **Alt cause – Rome Convention**

**Wolfrum, 2008** - president of the international tribunal for the law of the sea (Rüdiger, "Freedom of Navigation: New Challenges," 2008,

[https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf)) DS

The 2005 Protocol<sup>14</sup> to the 1988 Rome Convention (SUA Convention)<sup>15</sup> is one of those recent legal instruments which may, in the future, provide a basis for limiting the freedom of navigation. The Protocol introduces a new article, article 8bis, concerning the procedures to be followed if a State Party desires to board a ship flying the flag of another State Party, outside the territorial sea of any State, when the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship is, has been, or is about to be, involved in the commission of an offence under the Convention. The authorization and cooperation of the flag State is required before such boarding can take place.<sup>16</sup> Such authorization may be made in general or on an ad hoc basis.

#### **Alt cause – PSI**

(Proliferation Security Initiative)

**Wolfrum, 2008** - president of the international tribunal for the law of the sea (Rüdiger, "Freedom of Navigation: New Challenges," 2008,

[https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf)) DS

The multilaterally mandated measures against the maritime transport of weapons of mass destruction are being supplemented by measures having a bilateral basis, namely the Proliferation Security Initiative (PSI). It is the objective of the PSI to interdict the "transfer or transport of weapons of mass destruction, their delivery systems, and related materials to and from states and non-state actors of proliferation concern".<sup>17</sup> Most problematic is subparagraph 4.d of the PSI Statement of Interdiction Principles,<sup>18</sup> which calls on PSI participants: "To take appropriate actions to (1) stop and/or search in their internal waters, territorial seas, or contiguous zones (when declared) vessels that are reasonably suspected or carrying such cargoes to or from states or non-state actors of proliferation concern and to seize such cargoes that are identified; and (2) to enforce conditions on vessels entering or leaving their ports, internal waters or territorial seas that are reasonably suspected of carrying such cargoes, such as requiring that such vessels be subject to boarding, search, and seizure of such cargoes prior to entry."

#### **Alt cause – Security Council legislation**

**Wolfrum, 2008** - president of the international tribunal for the law of the sea (Rüdiger, "Freedom of Navigation: New Challenges," 2008,

[https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf)) DS

It has been argued that passage can be considered to be not innocent if the conditions of S/RES/1540 (2004) of 28 April 2004 are met.<sup>23</sup> It has further been argued that States may, on the basis of S/RES/1540, enact national legislation declaring the transport of weapons of mass destruction through their territorial sea a criminal offence which would allow the coastal State concerned to take action, as prescribed in article 27, paragraph 1, of the Convention. Certainly S/RES/1540 provides that the proliferation of weapons of mass destruction constitutes a threat to international peace. Even if it is accepted that the Security Council may exercise such quasi-legislative power, this does not render the transit of such material automatically non-innocent.<sup>24</sup> The legal situation in respect of international straits raises particular problems, given the enhanced status of international navigation. Whether ships carrying weapons of mass destruction which are not targeted against a particular State may be interdicted on the high seas by warships of another State without the consent of the flag State concerned is a matter of controversy.<sup>25</sup> The exclusive jurisdictional relationship between a flag State and one of its vessels on the high seas is well-rooted in customary international law. In the Lotus case, the Permanent Court of International Justice held that "vessels on the high seas are subject to no authority except that of the State whose flag they fly".<sup>26</sup> Article 92 of the Convention codifies this principle. Several exceptions are provided for: a waiver by the flag State if the vessel is without nationality, or if the vessel is engaged in piracy, slavery or unauthorized broadcasting.<sup>27</sup> Accordingly, there is a strict limit against boarding and inspection of a vessel under a flag different from that of the investigating vessel.

#### **Freedom of navigation is being limited multilaterally**

**Wolfrum, 2008** - president of the international tribunal for the law of the sea (Rüdiger, "Freedom of Navigation: New Challenges," 2008,

[https://www.itlos.org/fileadmin/itlos/documents/statements\\_of\\_president/wolfrum/freedom\\_navigation\\_080108\\_eng.pdf](https://www.itlos.org/fileadmin/itlos/documents/statements_of_president/wolfrum/freedom_navigation_080108_eng.pdf)) DS

As indicated in the introduction, measures having the effect of or even intending to limit the freedom of navigation, transit passage or innocent passage are being taken multilaterally, namely by the IMO and the Security Council, on the basis of bilateral arrangements as well as unilaterally. There is no doubt that the objectives pursued, namely the protection of the marine environment and protection against the proliferation of weapons of mass destruction and against terrorism are – at least in principle – valid ones. Nevertheless, there are some concerns. It is worth considering whether the IMO or the Security Council really has a sound legal basis for acting as legislators, a function they exercise de facto in the cases mentioned in the context of this presentation. I hope I have been able to demonstrate that multilateral actions are being supplemented by measures taken on the basis of bilateral arrangements (PSI, Container Security Initiative, agreements on the interception of vessels) or even unilaterally (unilaterally declared mandatory pilotage). The reasons for such supplementary measures are dissatisfaction with the results achieved multilaterally and the desire for unilaterally tailored solutions. For vessels, this mixture of restrictions which seem to lack coherence is difficult to cope with. At present, the limitations faced may still be tolerable but if this trend prevails – and there are clear indications that it will – a reassessment may be called for.

## **Perm – Do CP**

## **Aff – noncombat roles topical**

\*\*some of the cards from this file are compiled from various files – please note this and make sure 2AC blocks don't re-read evidence\*\*

### **Noncombat functions of the military are non-military – proves normal means**

**Huntington, 93** – former professor of government at Harvard (Samuel, Non-combat Roles for the U.S. Military in the Post-Cold War Era, ed: James Graham, p. 5)

These would clearly seem to be non-traditional roles. But are they really? The more I have thought about this issue, the more I have become convinced that with one possible exception the subject of this conference does not exist There are almost no conceivable roles for the American military in this new phase of national security that the American military have not performed in some earlier phase. The true distinction, I believe, is not between traditional and non-traditional roles but between military and non-military roles, or more precisely, between the combat missions of the military and the non-combat uses of military force. The purpose of military forces is combat, that is to deter and to defeat the enemies of the United States; that is their central mission, their raison d'etre, the only justification for expending resources on their creation and maintenance. The forces created for that mission, however, can and throughout our history have been employed in non-combat non-military uses.

### **Non-military missions include military assistance to civil authorities**

**GAO, 3** – US General Accounting Office (“Homeland Defense: DOD Needs to Assess the Structure of

U.S. Forces for Domestic Military Missions” 7/11, <http://www.gpo.gov/fdsys/pkg/GAOREPORTS-GAO-03-670/html/GAOREPORTS-GAO-03-670.htm>)

To address these objectives we assessed key national and defense strategies; DOD plans, mission orders, documents (such as training manuals), and directives; and laws governing DOD assistance to U. S. civilian authorities. We conducted interviews with knowledgeable officials including those in the Office of the Secretary of Defense; the services and their various commands; U. S. Northern Command; and met with units performing domestic military missions at various locations nationwide. We analyzed Army military police and other combat unit installation security deployments, Air Force fighter wing operational data, 1 We define domestic military missions as DOD activities to protect the U. S. sovereignty, territory, domestic population, and critical defense infrastructure from external threats and aggression (i. e., homeland defense). We define nonmilitary missions as military assistance to U. S. civil authorities\* federal, state, and local governments.

### **Official military doctrine includes non-military roles**

**Morag, 6** - faculty member at the Center for Homeland Defense and Security (CHDS) at the Naval Postgraduate School in Monterey, California (Nadav, “The National Military Strategic Plan for the War on Terrorism: An Assessment” Homeland Security Affairs, July, <http://www.hsaj.org/?fullarticle=2.2.7>) **NMSP = National Military Strategic Plan**

Given the above, in order to develop a credible and realistic strategy for dealing with terrorism, the military should play to its strengths and comparative advantages. The military establishment's primary role is to apply

physical power in order to achieve national objectives. In this case, this means that the military focuses on the physical disruption of terrorist networks and the apprehension or liquidation of individual terrorists. The NMSP correctly spells out these goals and notes that they are a major part of the military's mission, but then it goes into unfamiliar territory, for the military, by dealing with **overtly non-military issues** as well as ones in which the DoD subordinates itself to other domestic agencies and/or foreign countries. The American public can legitimately and realistically expect the military to be competent and effective (though not necessarily successful 100% of the time) in counterterrorist efforts within the purely military sphere. Why, then, should the Pentagon willingly embrace "mission creep" and dive head-and-shoulders into complex and muddled economic, financial, cultural, educational, etc. issues that relate to broader societies? The military is infinitely more prepared and competent to arrest or kill terrorists and destroy their bases than it is to change values, societal structures, and political regimes. It is immeasurably better to produce a successful limited policy than a failed all-encompassing one. As with any illness, it is always better to treat the root causes, but some diseases are presently incurable and the best way to manage them is by addressing their symptoms.

## **The military can provide non-military functions**

**Department of Defense, 7** ("Irregular Warfare: Joint Operating Concept", [http://www.globalsecurity.org/military/library/policy/dod/iw-joc\\_v1\\_2007.pdf](http://www.globalsecurity.org/military/library/policy/dod/iw-joc_v1_2007.pdf))

Combatant Command Strategic Planning. Before a JFC can design an IW campaign, the supported combatant commander and supporting and subordinate JFCs will conduct strategic planning to translate national strategic guidance and direction into a strategic concept for achieving a set of military and non-military conditions necessary to achieve strategic success. Unlike conventional warfare, the nature of IW will rarely dictate that the military instrument of power be in the lead. In fact, a strategic military lead will usually be counterproductive in IW because it will tend to alienate the population that is the focus of the IW effort. Typically, the joint force role in IW will be to establish the military conditions necessary to enable and support the other instruments of national power so that they can lead a unified effort to achieve strategic success. However, when other instruments of national power are unavailable in sufficient quantity, the President or Secretary of Defense may direct the supported combatant commander to employ military forces and capabilities to perform non-military tasks and achieve non-military conditions in the pursuit of strategic success.



## **Non-Military development = Not built to military specifications**

**Non-military means not built to military specifications – this definition is in the context of USFG non-military action**

**Department of Commerce ‘89**

(U.S. Department of Commerce, Bureau of the Census, “Current Industrial Reports: Aerospace industry orders, sales, and backlog,” 1989, page 6)

U.S. Government (Military). Includes contracts with the Department of Defense (DOD) and other U.S. Government agencies for products built to military specifications. Contracts for which the ultimate customer is a foreign customer, such as contracts made under the Foreign Military Assistance Program, are excluded. ¶ Other Governments (Military). Includes contracts for products built to military specifications for governments other than the United States. It includes contracts through DOD or other U.S. Government agencies for which the ultimate customer is a foreign government. Contracts for foreign governments not to military specifications are classified as "nonmilitary" to other customers. ¶ **U.S. Government (Nonmilitary). Includes contracts with any U.S. Government agency for products not built to military specifications.** ¶ Other Customers (Nonmilitary). Includes contracts for products not built to military specifications for all customers other than U.S. Government agencies. It includes both domestic and foreign commercial customers as well as foreign governments.





## SQ Solves

### **The SQ solves freedom of navigation where it is most threatened – China**

-other countries protect it too

**Gayathri, 2012** - writes about geopolitics and business for International Business Times (Amrutha, "US Navy To Safeguard 'Freedom Of Navigation' In Asia," 10/26/2012, <http://www.ibtimes.com/us-navy-safeguard-freedom-navigation-asia-854376> ) DS

The captain of the U.S. Navy aircraft carrier USS George Washington Thursday said the U.S. Navy's presence in Asia would help safeguard the "freedom of navigation," alluding to China's claims of sovereignty over international waters in the region, the AFP reported. "One of the reasons we deploy throughout the region is so we can carry forth the banner of freedom of navigation. It is very important to us given the trade that travels throughout the region on the seas," Captain Gregory Fenton was quoted as saying by the AFP. He added that the U.S. was not taking sides in the sea disputes between several Asian nations but would make sure that the sea routes remained open. Fenton said the supercarrier, which is on a port call to Manila, was there as part of its routine and had no connection to the territorial dispute in the South China Sea between the Philippines, a U.S. ally, and China. China's growing maritime influence in the region has the neighboring nations, including Brunei, Malaysia, Vietnam and Taiwan, worried over territorial confrontations. Beijing lays claim to almost the entire South China Sea, including what is recognized by the U.N. as the Exclusive Economic Zone of other neighbors. The members of the Association on Southeast Asian Nations (ASEAN), meanwhile, have started discussions on a code of conduct in the South China Sea ahead of the next month's ASEAN summit. "ASEAN, China, all the others — everyone wants a positive outcome. Everyone understands the need for regional peace and harmony, and I believe that we will all work towards that," Singapore's Foreign Minister K. Shanmugam, who is on a visit to Indonesia, said Thursday at a joint press conference with his Indonesian counterpart Marty Natalegawa, the Straits Times reported. ASEAN failed to reach a common ground over the sea dispute at a regional summit held in Cambodia in July. Though the disagreement was attributed to the claims of overlapping maritime boundaries of the Philippines, Vietnam, Brunei and Malaysia in certain parts of the South China Sea, it also exposed how the Chinese pressure had polarized regional politics. The Philippines and Vietnam, which were involved in a dispute with China recently over the ownership of the Scarborough Shoal, have sought ASEAN's support in compelling Beijing to accept the code of conduct. Natalegawa had slammed the disagreement within the bloc as "perplexing" and "utterly irresponsible." In September, U.S. Secretary of State Hillary Clinton offered U.S. support for a regionally endorsed six-point plan for the implementation of a code of conduct in the South China Sea while adding that Washington did not take a position on competing territorial claims. **[The**

**United States has a national interest, as every country does, in** the maintenance of peace and stability, respect for international law, **freedom of navigation**, unimpeded lawful commerce in the South China Sea," she had said.

### **The SQ solves – the US is constantly defending freedom of navigation**

**Alexander, 2014** - correspondent for Reuters (David, "U.S. freedom of navigation operations in 2013 targeted China, Iran," 3/26/2014, <http://www.reuters.com/article/2014/03/06/us-usa-defense-navy-idUSBREA2508920140306> ) DS

(Reuters) - The U.S. military carried out freedom of navigation operations challenging the maritime claims of China, Iran and 10 other countries last year, asserting its transit rights in defiance of efforts to restrict passage, a Pentagon report said on Thursday. The Defense Department's annual Freedom of Navigation Report to Congress for the 2013 fiscal year showed the U.S. military targeted not only countries such as Iran, with whom it has no formal relations, but treaty allies such as the Philippines, too. The U.S. military conducted multiple operations targeting China over what Washington believes are "excessive" claims about its maritime boundaries and its effort to force foreign warships to obtain permission before peacefully transiting its territorial seas. U.S. operations challenging Iran were aimed at rejecting Tehran's effort to restrict the Strait of Hormuz to ships from nations that have signed the U.N. Convention on the Law of the Sea, an accord the United States has not formally adopted. The report covers activity in the 2013 fiscal year that ended September 30, before the latest tensions over a near mishap between U.S. and Chinese warships in the South China Sea and Beijing's declaration of an air defense identification zone over the East China Sea, which Washington rejected. The United States carries out freedom of navigation operations by sending Navy ships into disputed areas in an effort to show that the international community has not accepted claims made by one or more countries. The operations, which began in 1979, are coordinated by the State and Defense departments and are meant to be consistent with the U.N. Law of the Sea Convention, even though Washington has not formally adopted the agreement. "The United States will not ... acquiesce in unilateral acts of other states designed to restrict the rights and freedoms of the international community in navigation and overflight," the Pentagon said in a 1992 Freedom of Navigation report by then-Secretary of Defense Dick Cheney. U.S. operations in the 2013 fiscal year also challenged claims by Cambodia, India, Indonesia, Libya, Malaysia, Maldives, Oman, Taiwan and Vietnam. All countries but Cambodia were targeted more than once. Since 1991, the United States has conducted more than 300 freedom of navigation operations challenging maritime claims by 53 different countries worldwide, from Albania, Ecuador and Denmark to Pakistan and Yemen. Iran and the Philippines have been challenged most frequently. Iran has appeared on 19 of the 21 lists submitted to Congress since 1991, while the Philippines has appeared on 18. Cambodia, the Maldives, India and Oman also frequently appear. China has been on the list 11 times, the same as Indonesia and one less than Burma. The most frequent U.S. complaint is with countries that measure the start of their territorial

waters by drawing a straight line between two points on the coast or along offshore islands, thereby enclosing a vast expanse of sea. Washington disagrees with the Philippines' designation of the seas bounded by the island chain as internal waters and therefore off limits to foreign ships or overflight by foreign aircraft. The United States targets about a dozen countries per year for challenge, with the high ranging to 27 countries in 1998 and dropping into the low single digits at the height of the U.S. war in Iraq.

# **Solvency Deficit – Efficiency**

## **Civilian tech more efficient and cost effective than using the military**

Jacques S **Gansler. No date.** Jacques S.Gansler, a former deputy assistant secretary in the Department of Defense, is senior vice president of The Analytic Sciences Corporation (TASC) in Arlington, Virginia, and a faculty member of the Kennedy School of Government at Harvard University. “Integrating Civilian and Military Industry” pg. 68-69. GD

Resistance to change The Defense Department influences the U.S. economy directly through the more than \$ 170 billion it spends annually on military R&D and procurement, and indirectly in a variety of ways. For example, almost a third of U.S. scientists and engineers are employed in military-related activities, and more than 10 percent of factory workers are supported by defense. Defense not only pays for almost a third of the nation’s research and development but has either created, or played a critical role in the growth of, new industries such as communication satellites, jet aircraft, and computers. Finally, defense pays for a disproportionately large share of the nation’s manufacturing capital equipment and has often led the way in the development of advanced manufacturing technologies—from numerically controlled machine tools through computer-integrated manufacturing. Such support, however, has had its dark side. The Defense Department’s “unique way of doing business,” which includes special requirements for everything from accounting standards through design and production process specifications, has driven apart the commercial and defense economies. The result for the defense economy has been a great deal of waste and inefficiency. Comically expensive toilet seats, hammers, and coffee pots have attracted widespread attention, but a much more serious concern is the dizzying rise in the cost of weapon systems. The cost of a single aircraft carrier is now about \$3.4 billion, an F-15 fighter aircraft around \$38 million, a B-1B bomber well over \$200 million, and each new M-1 tank around \$2.4 million. If costs continue to rise at the current rate of 7 percent a year in constant dollars, the next generation of systems could cost twice as much. By driving up costs with inefficient procurement practices, the Pentagon is finding itself unable to buy as many ships, planes, and tanks as it needs. The escalating costs of military hardware spring directly from ingrained procurement practices: ` maximizing performance regardless of cost and ignoring questions about ease of manufacture 4 using very small and labor-intensive production runs 4 paying high overhead to contractors who must fulfill demanding paperwork and accounting requirements 4 relying on sole-source contracting, which removes the incentive to cut costs 4 distrusting the quality of commercial products 4 depending on firms that produce only military goods 4 maintaining reserve production capacity to meet emergency production surges. These practices are not essential to producing useful defense hardware. Yet they persist largely because of bureaucratic inertia; there has been no strong pressure to apply the commercial sector’s standards of efficiency and cost-effectiveness to defense engineering and production, much less to integrate the two domains. Pentagon buyers have worried that the commercial emphasis on cost would result in unacceptably low performance for their weapons. Similarly, they argued that the military has unique requirements, such as nuclear hardening, and that very specialized procurement and financial accounting requirements are dictated by the use of public funds.

## **Civilian sector performance with new technology is increasing as costs decrease – military prices keep going up with no improvement in performance**

Jacques S **Gansler. No date.** Jacques S.Gansler, a former deputy assistant secretary in the Department of Defense, is senior vice president of The Analytic Sciences Corporation (TASC) in Arlington, Virginia, and a faculty member of the Kennedy School of Government at Harvard University. “Integrating Civilian and Military Industry” pg. 69-70. GD

A growing urgency to act The problems in the defense industrial base, which have been building up for many years, were largely masked during the big Reagan defense buildup in the early 1980s. With so many new programs and so much more money, inefficiency was less visible and idle capacity not a problem. In addition, the disappearance of many key suppliers in the aftermath of the Vietnam War (when defense procurement fell from \$44 billion in 1969 to \$17 billion in 1975 in constant dollars) permitted foreign parts suppliers to eagerly rush in to fill the vacuum when things rebounded during the Reagan years. The combination of increasing

dependence on foreign sources of weapon parts, substantial inefficiency, production bottlenecks, and lack of backup production capacity for emergencies made it impossible to ignore the looming crisis in the defense economy in the mid-1980s. In 1986, the President's Blue Ribbon Commission on Defense Management (the "Packard Commission") made a very strong case for military use of commercial components as well as commercial practices, **pointing out the dramatic quality improvements and cost savings that could be realized through use of technology that is now prevalent throughout the commercial sector.**

The commission emphasized that in the commercial world, advanced technology is used to simultaneously lower equipment costs and to improve the performance of new systems.

Companies seek the best possible performance in a product that will sell at a price the market can bear—an approach known as design-to-cost. In the defense world, advanced technology is used almost exclusively to maximize performance. The effects of the two approaches are evident, for example, in electronics: **Commercial**

**systems have improved dramatically in performance while prices have plummeted;** military systems have experienced equivalent performance improvements, but costs

have risen as well. The effects of the military's single-minded attention to performance are most evident at the margin. Achieving the last few percent of performance improvement in a weapon system tends to raise costs by 30 to 50 percent, thus reducing the number of weapons that can be acquired. If, instead, unit costs were made an important engineering design criterion—along with performance—defense contractors would have an incentive to use new technologies (from lower-cost materials to advanced manufacturing techniques) to improve the quality of equipment and to reduce cost. Essentially, the Pentagon would be trading a very small reduction in an individual system's performance for a large increase in the number of systems acquired. The Air Force is experimenting with such a design-to-cost approach by setting a cost objective of \$35 million per plane for its Advanced Tactical Fighter. Based on historical trends, individual aircraft would have cost more than \$100 million each in the absence of such a constraint. Another adaptable commercial practice is the use of continuous competition during production instead of the typical military reliance on a sole contractor. When the Pentagon experimented by authorizing two firms to produce an item—for example, the Hellfire missile, the Alternate Fighter jet engine, and the Side-winder missile guidance system—and to compete for an annual share of sales, quality improved and net cost dropped an average of 25 percent. Still greater production cost reductions are possible when two firms competitively develop weapon systems and the production contract is awarded to the one with the best combination of performance and proposed production and support costs. This approach resulted in savings of 50 to 70 percent for the Army's Multiple Launch Rocket System and the Air Force's Air Launched Cruise Missiles. Congress has approved such practices through the Competition in Contracting Act of 1984, and the Pentagon has begun to implement them. The hope is that, over time, the Pentagon will be able to shift to greater use of market forces, instead of regulations, for control of quality and costs in defense procurements.

## **Studies between civilian and military sector technologies prove civilian tech solves better – more reliable, resilient and cost effective**

**Jacques S Gansler. No date.** Jacques S. Gansler, a former deputy assistant secretary in the Department of Defense, is senior vice president of The Analytic Sciences Corporation (TASC) in Arlington, Virginia, and a faculty member of the Kennedy School of Government at Harvard University. "Integrating Civilian and Military Industry" pg. 70-71. GD

Changes are also needed in encouraging the use of commercial components in military systems. In the past, defense technology was often far ahead of its commercial counterpart in both performance and reliability; thus, the Pentagon's rationale was that paying a higher price was worth it. But in many areas **this is no longer the case; better and cheaper equipment is available in the highly competitive and fast-growing commercial**

**marketplace.** Nonetheless, the defense establishment—on the industry as well as the government side—has clung to its traditions and has insisted upon extensive use of special-purpose equipment and parts, built to unique military specifications. The result is that the Pentagon pays dearly—often five to ten times as much—for the specialized nature of its parts and equipment, and yet often gets inferior results. For example, in microelectronics, today's commercial equipment is built to withstand environments (such as being hard-mounted on automobile engines) that are as difficult as those stipulated by the Pentagon. This large-volume, field-tested **commercial equipment** is higher in quality, lower in cost, and **embodies**

**much more advanced technology than comparable military**

**equipment**. One recent Defense Science Board study of comparable electronic systems, such as computers, radios, sensors, and displays, found the commercial equivalents to be between two and ten times cheaper, up to five times faster to acquire, generally more reliable, one to three years more advanced in technology, and capable of withstanding equally harsh environments. For this reason, the Department of Defense has begun trying to buy more commercial parts and is looking into changing its specification procedures so that specialized parts will be used only where they are absolutely necessary. By using commercial parts, the Pentagon will have the advantage of buying equipment that has already met the market test for quality and price. This approach also makes it more possible to rapidly increase production during an emergency by switching production lines from commercial to military. Thus, idle capacity would not have to be maintained. (The Soviets build railroad cars and tanks in the same plant—and train the workers on both—so they can rapidly shift over when required.)



# Solvency Deficit – Secrecy

## **DoD keeps secrets – guts solvency**

**DODSRC 1985** (DOD Security Review Commission, “Keeping the Nation's Secrets: A Report to the Secretary of Defense By the Commission to Review DOD Security Policy and Practices”, <http://fas.org/sgp/library/stilwell.html>)

The Department of Defense, together with its contractual base, constitutes a target of immense size and importance to the intelligence services of nations with interests inimical to the United States and its Allies. Given the major role of our Armed Forces as an instrument of U.S. foreign policy, DoD is involved in virtually every national security decision; and the myriad classified plans, programs, and actions that derive from those decisions reflect U.S. intentions and capabilities in peace, crises and war. With few exceptions, our fielded weapon systems are the world's most effective; and our laboratories and test facilities have the requisite lead in most militarily-relevant areas of research and applied technology, assuring the qualitative advantage of future weapon systems. A huge intelligence organization supports all these activities. It follows that most elements of the Department must deal with classified information. Thousands of classified programs and projects are carried out annually throughout the large and complex structures of the three Military Departments, the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies. The geographic distribution of classified information is also extensive. DoD maintains an official presence -- some very large, as in Western Europe and Korea -- in 95 countries. Additionally, vast quantities of classified documents, technical data, and equipments are released to Allied and friendly governments and to international organizations under bilateral and multilateral arrangements. The volume of classified material produced, received, transmitted, and stored within DoD is staggering. DoD reported that some 16 million documents were classified in 1984. The number of classified documents actually maintained in DoD filing systems and those of its contractors is unknown; however, an estimate of 100 million is not unrealistic. But size alone does not begin to convey the dimensions of the task of protecting classified information. DoD, for example, maintains enormous inventories of classified end items and components, which require different protection than documents. Similarly, the DoD is moving at a bewildering rate from controlling "hard-copy" documents to controlling classified information electronically stored and transmitted by automated data processing systems. Within DoD, there are an estimated 16,000 computers, most of which process information of value to an adversary, and many of which are internetted. And not only government facilities are involved -- classified work is presently progressing at over 13,000 cleared defense industrial firms. Not surprising, 90 percent of the personnel in the Executive Branch who have security clearances are in DoD. 2.6 million uniformed and civilian personnel hold some form of clearance (after the 10 percent reduction mandated in June 1985 by the Secretary of Defense). These are augmented by 1.2 million cleared industrial employees. (DoD, incidentally, administers industrial security not only for itself but for 18 other Executive departments and agencies.) A substantial number of these cleared personnel -- military, civilian and contractor -- are located outside the continental United States. In short, the challenge of protecting United States defense secrets is of almost immeasurable scope.

# Solvency Deficit – DoD

## **DOD can't solve – can't overcome national security barriers**

**Bartel June 30, 2010** – Bill Bartel is a reporter on the military and federal affairs team. (Bill, "Offshore wind farms bring concerns over radar systems", The Virginian-Pilot, <http://hamptonroads.com/2010/06/offshore-wind-farms-bring-concerns-over-radar-systems>)

The push to develop wind farms off Virginia's coast and elsewhere is bringing to light concerns about a complex federal approval process and about how the giant turbines might affect air travel and national security, a congressional subcommittee was told Tuesday. Testifying before the House Armed Services' Readiness Subcommittee in Washington, a wind energy executive said the industry has been talking for four years with federal officials about how to develop a more specific process for federal review of the wind farms. "If we don't have a better system for engaging with federal agencies on radar and airspace issues... then wind projects will continue to be imperiled and we will not be able to meet our nation's energy goals," said Stu Webster, who spoke on behalf of the American Wind Energy Association, based in Washington. Webster also expressed concern that if national security issues lead to stringent restrictions on the placement of wind farms, the country could fall behind on achieving a goal - suggested by the Department of Energy - of eventually relying on wind for 20 percent of its electrical power. Federal aviation and defense officials said a primary concern is that tall wind turbines can adversely affect radar systems, not only by physically blocking them but by generating interference. The blades of a turbine spinning at 200 mph on a 400-foot-high stand will generate enough "clutter" to mimic a Boeing 747 jetliner, said Nancy Kalinowski of the Federal Aviation Administration. "Because the radar repeatedly sees this large return, the radar will not pick up actual aircraft in the same area," Kalinowski said in her written testimony. "The clutter that is created by wind turbines can result in a complete loss of primary radar detection above a wind farm." On weather radar, the wind farms "look remarkably like storm activity", she said. One option might be to replace old radar systems - some dating to the 1950s - with new technology that can overcome the "clutter." But such a fix can be expensive, and it is unclear whether the government or the wind developers should foot the bill. U.S. Rep. Randy Forbes, the ranking Republican on the panel, said the development of wind power is important to the country's "national energy security," but he warned against doing anything that would weaken the "air defense radar ringing the entire nation." The Chesapeake Republican said defense officials have to establish a "one-stop shop" to help developers find their way through the federal maze. U.S. Rep. Solomon Ortiz, D-Texas, the panel's chairman, urged the federal agencies to move quickly, given the growing pressure to find clean, domestic sources of energy. "I don't think it's in our government's best interest to stunt the growth of this industry," he said. Among those awaiting federal action are two firms in Virginia that are seeking federal approval for permits to set up wind farms off the coast of Virginia Beach. Apex Wind Energy Corp. of Charlottesville and Seawind Renewable Energy Corp. near Richmond both have applications filed with the federal Minerals Management Service. Eamon Perrel, development manager for Apex, said in a phone interview that the approval process can be daunting. "We are just finding out how to communicate with the Department of Defense," he said.

## **The DOD is ineffective at renewable energy**

-too expensive for the military

-now is not the right time for the military

**Roff, 2012** - contributing editor at U.S. News & World Report (Peter, "The Navy's Attempt to Go Green Is Costly and Inefficient," 8/3/2012, <http://www.usnews.com/opinion/blogs/peter-roff/2012/08/03/the-navys-attempt-to-go-green-is-costly-and-inefficient>) DS

Just about everyone agrees the purpose of the United States Navy is to protect the "freedom of the seas," a time-honored tradition that effects not just America but just about every nation on earth. Navy Secretary Ray Mabus, however, seems to have a different idea—which may be why he has been leading the charge on behalf of the Obama administration to show off the fleet's green potential. Back in July the Navy held exercises off Hawaii focusing on what Mabus called the "great green fleet"—the aircraft carrier U.S.S. Nimitz, Carrier Air Wing 11, the guided missile cruiser U.S.S. Princeton, the guided missile destroyer U.S.S. Chafee, the Aegis destroyer Chung-Hoon, and the oiler Henry J. Kaiser—as a demonstration of what the Navy could do with alternative energy sources. The military says it's necessary to find alternatives to traditional energy sources. Others, including Oklahoma Republican Sen. James Inhofe, have branded it a public relations stunt, and an expensive one at that. The fuels used in the exercise were anywhere from two to four times as expensive as standard fuel, a not inconsiderable expense at

the time the Defense Department faces defense cuts and a previously unthinkable sequester of funds that will seriously impact military preparedness and effectiveness. The exercise, replete with T-shirts and ships painted green, looks an awful lot like a way to keep up the pressure for "green energy"—the U.S. military being the single biggest consumer of energy in the world—and, perhaps, as a way to keep some of the Obama administration's other so-called green energy investments from blowing up like Solyndra. In July Inhofe wrote to Secretary Mabus asking for a detailed report on just what was going on and how much it cost. "I respectfully request a detailed report that provides the total cost of this 'green' event," Inhofe said in his letter to Mabus. He went on: The report should include at a minimum: total fuel burned; type of fuel and cost to ship the fuel from Louisiana and Texas to Washington state by ground; total number of vehicles required to transport the 450,000 gallons of fuel from Louisiana and Texas to Washington; total fuel burned, type of fuel used, and cost to transport the biofuel from the port to Hawaii; cost to the Navy to paint logos on its aircraft and ships to promote the event; and cost to repaint the aircraft and ships after the event concluded; cost of the green hats and t-shirts to mark the event; and who provided the funding. This is only part of a lengthy list of items making up the green fleet exercise. Mabus responded, but was not as forthcoming as Inhofe had hoped. In a follow up letter sent August 2, the senator wrote, "With due respect, many questions were left unanswered which raises additional questions, and I hope you would be able to provide me with the answers." He's now asking the Navy for a more complete assessment of the so-called green fleet program, looking at the costs of everything from how much it cost to ship the biofuels used to Hawaii, which was part of the original request, as well as how much the Navy has been spent over the last 10 years on blended fuel research and development, whether the Navy is studying the potential corrosive effects of biofuels on storage facilities and ships, and for details on the involvement of the Defense Department in the design and construction of biorefineries, among other items. These are all legitimate questions that Mabus and the Navy should answer. How much have they already spent to turn the big blue fleet "green" and how much do they plan on spending the future? Will U.S. ships and naval aircraft function as well on blended fuel alternatives and biofuels as they do on those from traditional petroleum-based sources? Will "going green" put sailors and pilots in greater danger than they already face? And is the Defense Department really proposing, as some of their documents seem to suggest, that they are going to raid funds set aside for Tricare, the military's medical insurance program, to pay for it? It looks an awful lot like the "great green fleet" is just another government boondoggle designed to move some of the Pentagon's money into the same programs as the Energy Department's, without regard for the cost to the taxpayer, in an effort to keep the administration's so-called green agenda from crashing completely to the ground. **Experimenting with biofuels as an alternative makes sense in the broader picture** but, at a time when money is in short supply, the technology remains unproven, and the demands on America's soldiers and sailors is high, now is not the time for conversion. And it is especially not the time for an expensive public relations stunt.

## **The DOD is inefficient and ineffective at all management functions**

**Kutz and Warren, 2002** - \*Director of Financial Management and Assurance for GAO,

AND \*\*Director of Defense Capabilities and Management for GAO (Gregory, David, "DOD MANAGEMENT Examples of Inefficient and Ineffective Business Processes," 6/25/2002, <http://www.gao.gov/assets/110/109449.pdf>) DS

The JSLIST and purchase card case studies clearly demonstrate that DOD's current business operations are inefficient and ineffective. Specifically, these case studies are real-time examples of the high cost of nonintegrated systems that require substantial manual intervention in nearly every step of the process. In addition, mission performance is also affected by these processes as shown by DOD's lack of visibility over the JSLIST. These case studies are small examples of the broader financial and inventory management and systems modernization challenges facing DOD that were highlighted in our June 2, 2002 testimony 24 before this Subcommittee. The integrated, automated processes used by Wal-Mart and Sears offer a glimpse of the cost savings and improved mission performance that DOD could achieve with successful reform. Unlike DOD, market forces and a strong system of accountability drive Sears and Wal-Mart to operate as efficiently and effectively as possible. As

we have previously stated, for DOD to succeed in its reform efforts, strong leadership from the Secretary will be necessary to develop a system of accountability and incentives and to cut through the deeply embedded cultural resistance to change and service parochialism. In addition, continued congressional oversight such as the hearing today will be critical to successfully reforming DOD's business operations. The Secretary has recognized the importance of reform and estimated that DOD could save 5 percent of its budget—or about \$15 billion to \$18 billion annually—by successfully transforming DOD's business processes.

## **The DOD fails at any non-military operation**

-inefficient

-little experience

**Khan, 2012** - Director of Financial Management and Assurance for GAO (Asif, "DOD FINANCIAL MANAGEMENT Challenges in Attaining Audit Readiness and Improving Business Processes and Systems," 4/18/2012, <http://www.gao.gov/assets/600/590203.pdf>) DS

GAO's recent work highlights the types of challenges facing the Department of Defense (DOD) as it strives to attain audit readiness and reengineer its business processes and systems. The urgency in addressing these challenges has been increased by the goals of an auditable DOD Statement of Budgetary Resources (SBR) by the end of fiscal year 2014 and a complete set of auditable financial statements by the end of fiscal year 2017. For example, GAO's 2011 reporting highlights difficulties the DOD components experienced in attempting to achieve an auditable SBR. These include: • the Navy's and the Air Force's premature assertions of audit readiness and missed interim milestones; • the Army's inability to locate and provide supporting documentation for its military pay; • the Navy's and Marine Corps' inability to reconcile their Fund Balance with Treasury (FBWT) accounts; and • the Marine Corps' inability to receive an opinion on both its fiscal years 2010 and 2011 SBRs because it could not provide supporting documentation in a timely manner, and support for transactions was missing or incomplete. In a February 2012 briefing on its updated plans, DOD accelerated milestones for its components—in some cases, significantly—to accomplish the 2014 SBR goal. For example, the Air Force had planned to validate its audit readiness for many SBR-related items in fiscal year 2016; however, the department's February 2012 accelerated plans show that most of the Air Force's SBR line items will be audit-ready in fiscal years 2013 or 2014. Also, in its February 2012 update DOD shows that 7 of 24 material general fund Defense Agencies and Other Defense Organizations have either already had SBR audits or are ready to have their SBRs audited, which represent important positive steps. DOD has stated it considers the successful implementation of its enterprise resource planning (ERP) systems critical to transforming its business operations, addressing long-standing weaknesses, and ensuring the department meets its mandated September 30, 2017 auditability goals. However, in 2011, GAO reported that independent assessments of two of these systems—the Army's and Air Force's new general ledger systems—identified operational problems, gaps in capabilities that required manual workarounds, and training that was not focused on system operation. Moreover, users of these systems had difficulties using these systems to perform daily operations.

GAO also reported in 2011 on **numerous weaknesses in DOD's enterprise**

**architecture and business processes that affect DOD's auditability.** For

example, while DOD continued to update its corporate enterprise architecture, it had not yet augmented its corporate architecture with complete, coherent subsidiary architectures for DOD components such as the military departments. Also, while DOD and the military departments largely followed DOD's Business Process Reengineering Guidance to assess business system investments, they had not yet performed the key step of validating assessment results. GAO has made prior recommendations to address these issues. DOD has generally agreed with these recommendations and is taking corrective actions in response. GAO has work underway to evaluate DOD's continuing efforts in these areas.

## **The DOD is the worse governmental agency for management operations**

**Khan, 2012** - Director of Financial Management and Assurance for GAO (Asif, "DOD FINANCIAL MANAGEMENT Challenges in Attaining Audit Readiness and Improving Business Processes and Systems," 4/18/2012, <http://www.gao.gov/assets/600/590203.pdf>) DS

For fiscal year 2011, of the 24 agencies covered by the Chief Financial Officers Act of 1990 (CFO Act), DOD was the only agency to receive a disclaimer of opinion on all of its financial statements.<sup>6</sup> • the department's fiscal year 2011 financial statements would not substantially conform to generally accepted accounting principles; The DOD Inspector General (IG) reported that • DOD's financial management and feeder systems were unable to adequately support material amounts on the financial statements; and • long-standing material internal control weaknesses identified in prior audits continued to exist, including material weaknesses in areas such as financial management systems, Fund Balance with Treasury, Accounts Receivable, and General Property, Plant, and Equipment.

## **The DOD will fail – not even prepared to be audited**

**Khan, 2012** - Director of Financial Management and Assurance for GAO (Asif, "DOD FINANCIAL MANAGEMENT Challenges in Attaining Audit Readiness and Improving Business Processes and Systems," 4/18/2012, <http://www.gao.gov/assets/600/590203.pdf>) DS

GAO's recent work highlights the types of **challenges facing DOD** as it strives to attain audit readiness and reengineer its business processes and systems. DOD leadership has committed DOD to the goal of auditable financial statements and has developed FIAR Guidance to provide specific instructions for DOD components to follow for achieving auditability incrementally. The department and its components also established interim milestones for achieving audit readiness for various parts (or assessable units) of the financial statements. These efforts are an important step forward. The urgency in addressing these challenges has been increased by the recent efforts to accelerate audit readiness time frames, in particular attaining audit readiness for the department's SBR by fiscal year 2014. Our September 2011 report highlights the types of challenges DOD may continue to face as it strives to attain audit readiness, including instances in which DOD components prematurely asserted audit readiness and missed interim milestones.<sup>16</sup> Also, DOD's efforts over the past couple of years to achieve audit readiness for some significant SBR assessable units have not been successful. However, these experiences can serve to provide lessons for DOD and its components to consider in addressing the department's auditability challenges.